

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

In the Matter of the Extradition of

HON. ROBERT H. CLELAND  
Case No. 12-MC-50125

RICHARD THURMAN FABIAN,

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**EXTRADITION CERTIFICATION  
AND ORDER OF COMMITMENT**

These extradition proceedings were commenced by the United States pursuant to 18 U.S.C. § 3184 and the Treaty on Extradition between the United States and Canada of December 3, 1971, 27 U.S.T. 983, (hereinafter, "Treaty"). Richard Thurman Fabian (hereinafter "defendant") was provisionally arrested at the request of Canada on February 16, 2012. Pursuant to the Treaty, Canadian authorities presented a formal request for the defendant's extradition on October 7, 2011, supported by appropriate documentation.

The defendant's extradition is sought by Canada for prosecution for the offense of sexual assault, contrary to Section 271 of the Criminal Code of Canada, and sexual interference contrary to Section 151 of the Criminal Code of Canada.

On June 4, 2012, this Court conducted an extradition hearing pursuant to 18 U.S.C. § 3184. Based on consideration of the documentary evidence introduced on behalf of Canada and the written memoranda, the Court finds that the terms of the Treaty and 18 U.S.C. § 3184 have been met.

Specifically, the Court finds the following:

1. That there is an extradition treaty in force between the United States and Canada, namely, the Treaty, and this Court has jurisdiction in this matter;

2. That there are criminal charges pending against the defendant in Canada charging him with sexual assault, contrary to Section 271 of the Criminal Code of Canada, and sexual interference contrary to Section 151 of the Criminal Code of Canada

3. That the crimes with which the defendant is charged are extraditable offenses within the terms of Article I of the Treaty as replaced by Article I of the 1988 Protocol;

4. That the defendant who appeared before this Court is the same person who is charged in Canada in an order of arrest issued by the City of Chatham, in the Municipality of Chatham-Kent, in the Province of Ontario, Canada, on October 7, 2011;

5. That the evidence establishes probable cause to believe that the defendant committed the charged offense(s);

6. That the defendant be returned to the United States within forty-five days after the conclusion of the proceedings in Canada, as provided by in Article 7 bis, Paragraph 2 of the Treaty as replaced by the Second Protocol dated January 12, 2001; and

7. That the period of time in custody in Canada shall be credited to the sentence imposed by this court in *United States v. Fabian*, 10-20207, which sentence Richard Thurman Fabian is currently serving in the United States in the custody of the Federal Bureau of Prisons, as provided at Paragraph 3 of Article 1 of the Second Protocol.

For the foregoing reasons, this matter is certified to the Secretary of State in order that a warrant may issue for the surrender of the defendant to the proper authorities of Canada in accordance with the Extradition Treaty between the United States of America and Canada.

ACCORDINGLY, IT IS HEREBY ORDERED that Richard Thurman Fabian remain in the custody of the Federal Bureau of Prisons, or his authorized representative, until he is surrendered to Canada pursuant to applicable provisions of the Treaty and United States law.

IT IS FURTHER ORDERED that the United States Attorney for this judicial district shall forward a copy of this Certification and Order together with a copy of all transcripts of proceedings and copies of documents received into evidence in this matter, to the Secretary of State.

ENTERED this 8th day of June, 2012, at Detroit, Michigan.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: June 8, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 8, 2012, by electronic and/or ordinary mail.

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